HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 881 (S/S) 2006

Sobha Ram Uniyal S/o late Sri Kamla Ram Uniyal,
Presently working as Senior Clerk,
Forest Division New Tehri,
Tehri Garhwal. --- Petitioner.

Vs

1. Principal Conservator of Forest,
   87, Rajpur Road, Dehradun,
2. Forest Conservator (Administration),
   Office of Principal Forest Conservator,
   Uttaranchal, Nainital.
3. Conservator of Forest, Tehri Garhwal,
4. Divisional Forest Officer, New Tehri,
   Tehri Garhwal. -----Respondents.

Sri N.S. Pundir, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Pundir, learned counsel for the petitioner and learned Standing Counsel for respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondents to promote the petitioner to the post of Auditor/Account Clerk,

ii. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 1 to decide the representation dated 16.03.2006 (annexure no. 5 to the writ petition),

iii. Issue a suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in view of the circumstances of the case,

iv. To award cost of present writ petition in favour of the petitioner.

3. Submission of the learned counsel for the petitioner is that he was appointed on the post of Junior Clerk on 27.07.1985 with the respondents' establishment. On 18.01.1992, the petitioner was promoted to the post of Senior Clerk and since then he is working in the Department as such.

4. On 17.04.2004, the office of Forest Conservator (Administration) i.e. the Principal Forest Conservator, Uttaranchal, Nainital issued order to all the Chief Forest Conservators of Uttaranchal regarding establishment of Internal Account Examination Sanction in Forest Department. In pursuance of the aforesaid G.O., the petitioner applied for the post of Auditor/Account Clerk with the establishment of Internal Account Examination Sanction in Forest Department and the same was forwarded by the Divisional Forest Officer concerned to the respondents, however no action has been taken by the respondents till date.

5. The petitioner has made several representations, the last is of dated 16th March 2006 which is filed as annexure no. 5 to the writ petition and the same is still pending before the respondent no. 1.

6. During the course of argument, the petitioner has confined his prayer that the respondent no. 1 may be directed to

take decision on the representation of the petitioner dated 16th March 2006 within a particular period prescribed by the Court.

7. Considering the facts and circumstances of the case, I think it just and proper to direct the respondent no. 1 to take decision on the representation of the petitioner dated 16th March 2006, annexed as annexure no. 5 to the writ petition by a speaking order within a period of three weeks from the date of production of a certified copy of this order.

8. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 4, 2006:
NCM: